

## **SUMMARY OF INCIDENT<sup>1</sup>**

The complainant, Subject 1 alleged that her ex-boyfriend, Officer A behaved inappropriately during and after their 5-year relationship while Officer A was employed by the Chicago Police Department. The two parties have a four-year-old child-in-common; and Subject 1 also has another minor child living with her from a previous relationship. During the majority of the relationship, Officer A resided at Subject 1's apartment at XXX S. Loomis Street. The relationship ended in July 2015, and Officer A continued to visit the child at this address. Officer A then petitioned the court for custody and was granted supervised visits in June of 2016.

## **ALLEGATIONS**

Complainant Subject 1 registered this complaint in person at the office of the Independent Police Review Authority (IPRA) on May 24, 2016. She alleged that on approximately four unknown dates between December 1, 2013 and July 23, 2015, inside the residence at XXX S. Loomis, #XXX, the accused, **Officer A, #XXXXXX**:<sup>2</sup>

1. Failed to properly secure his weapon.

It is alleged that on March 10, 2016; March 16, 2016; May 17, 2016; May 22, 2016; and June 14, 2016, at various times on the street at XXX S. Loomis, the accused, **Officer A, #XXXXXX**:

2. Harassed Subject 1 by parking his vehicle in front of her residence at XXX S. Loomis, #XXX.

It is alleged that on various dates between April 1, 2013 and July 23, 2015, at various locations, including XXX S. Loomis, #XXX, the accused, **Officer A, #XXXXXX**:

3. Was intoxicated.

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<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

<sup>2</sup> Subject 1 also alleged that Officer A was affiliated with the New Breed gang and has become an alcoholic. IPRA notified the Bureau of Internal Affairs (BIA) of these allegations and registered Log #1081697 on 02 Aug 2016. Subject 1 voiced additional concerns in her interview with IPRA regarding behaviors exhibited by Officer A however, these concerns did not constitute misconduct, and therefore did not warrant further investigation.

## APPLICABLE RULES AND LAWS

Rule 9: Prohibits “engaging in any unjustified verbal or physical altercation with any person, while on or off duty.”

Rule 13: Prohibits “failure adequately to secure and care for Department property.”

Rule 15: Prohibits “intoxication on or off duty.”

### **Chicago Police Department Directive, General Order U04-02.II.M, Uniform and Property**

“Sworn members are to secure ALL firearms which they own or possess, in a manner that a reasonable person would believe will prohibit access by unapproved individuals, theft, or loss.”

“Sworn members are encouraged to secure any/all other firearms which may be in their possession or under their control as mandated by Illinois Compiled Statute (ILCS) entitled ‘Firearms; Child Protection (720 ILC 5/24-9).’ Effective 1 January 2000, this statute states that a firearm must be secured when the likelihood exists that a minor under the age of 14 could gain unlawful access to the firearm.”

### **Illinois General Assembly Statute 720 ILCS 5/24-9**

#### Sec. 24-9. Firearms; Child Protection

“It is unlawful for any person to store or leave, within premises under his or her control, a firearm if the person knows or has reason to believe that a minor under the age of 14 years who does not have a Firearm Owners Identification Card is likely to gain access to the firearm without the lawful permission of the minor's parent, guardian, or person having charge of the minor, and the minor causes death or great bodily harm with the firearm, unless the firearm is:

- (1) secured by a device or mechanism, other than the firearm safety, designed to render a firearm temporarily inoperable; or
- (2) placed in a securely locked box or container; or
- (3) placed in some other location that a reasonable person would believe to be secure from a minor under the age of 14 years.”

## INVESTIGATION

### **Electronically Recorded Interview of Complainant Subject 1**

In her statement to IPRA on June 29, 2016, Subject 1 reported that Officer A was a heavy drinker before joining the Chicago Police Department in 2013, but that his drinking escalated after he became an officer. She alleged that on multiple occasions, Officer A was intoxicated to the point of smelling like alcohol the next morning. Subject 1 also reported that she was the sole caregiver for their child, and that Officer A did not provide adequate support to their child.

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Subject 1 alleged that on some occasions, Officer A did not lock up his gun and left it unsecured around her apartment. This included times when he left it on a small “tote,” or out on the table in reach of children. Subject 1 alleged that she observed Officer A’s vehicle parked in front of her residence on several occasions after they ended their relationship at times when it was not legitimate for him to park there. Subject 1 stated that one incident of Officer A parking outside her house on March 10, 2016 at 5:22am was her main concern. However, she reported that she did not call the police or file a report. Subject 1 noted that she believed that Officer A parked in front of her place at times when he attended the nearby police academy (Atts. 33, 38)

Subject 1 provided IPRA with **8 Photographs**, including photographs depicting what she identified as Officer A’ car parked outside her residence, and photographs of Officer A with his service weapon in a holster inside her residence when he was sleeping and in the presence of their minor child. (Att. 25)

**Interview of Accused Officer A**

In his statement to IPRA on September 14, 2016, Officer A stated that the relationship between he and Subject 1 ended because things were not working out. About a week after terminating the relationship, there was no contact between them according to Officer A. Officer A initiated an order in August 2015 to obtain visitation with his daughter, and these rights were granted to begin in June 2016. Officer A confirmed he lived with Subject 1 prior to July 2015, while also maintaining his own residence at XXXX S. Pulaski. He also confirmed that Subject 1 ceased contact almost entirely soon after the breakup and changed her phone number so he could not contact her. Subject 1 provided her email address to Officer A, but it was not working properly and the two parties were unable to exchange consistent emails successfully.

Officer A admitted that on multiple occasions he parked near Subject 1’s home; he explained that he parked there whenever he would attend court, play basketball with friends, or attend the Police Academy. He stated he had court approximately 10 times and parked near her house approximately 4 of those times.

Officer A stated that when at the residence of Subject 1 at XXX S. Loomis, he secured his weapon by removing the magazine and rounds and storing it in a rubber container that he would leave in the bedroom or closet. He did not have a safe at Subject 1’s residence.

Officer A admitted that he has consumed alcohol on some occasions, but denied that he drank to excess. (Att. 41)

**Department Reports and Records**

A search for **Service Calls** as well as **Office of Emergency Management and Communications Event Queries** was negative for any calls to 911 related to these allegations. (Atts. 9-13)

**ANALYSIS AND CONCLUSION**

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COPA recommends that **Allegation #1** regarding Officer A failing to secure his weapon on approximately 4 unknown dates in violation of Rule 13, General Order U04-02.II.M, and Illinois General Assembly Statute 720 ILCS 5/24-9, be **Not Sustained**. Based on the information collected from Subject 1, there is not enough evidence to prove or disprove this allegation. The undated photographs provided by Subject 1 show Officer A's weapon in its holster attached to his person, which does not confirm the weapon was unsecured. Officer A reported that he stored his service firearm in a tote inside the bedroom or closet after he removed the magazine and rounds. There is no additional testimony or evidence to prove or disprove that Officer A left his service weapon unsecured as alleged.

COPA recommends a finding that **Allegation #2** that Officer A harassed Subject 1 by parking his vehicle in front of her residence on 5 separate dates in 2016 at XXX S. Loomis in violation of Rule 9 be **Unfounded**. Officer A admitted in his statement that he parked outside of Subject 1's home on some occasions after they ended the relationship. He further explained that he parked there when he went to the police academy or when he needed to attend court downtown. The photographs of Officer A's vehicle provided by Subject 1 show his car parked on a street. Although it is uncontested that Officer A parked his vehicle in front of Subject 1's home, there is no evidence that he intended to harass Subject 1.

COPA recommends that **Allegation #3** that Officer A was intoxicated on various dates between April 1, 2014 and July 23, 2015 in violation of Rule 15 be **Not Sustained**. The undated photographs provided by Subject 1 do not establish that Officer A was intoxicated. Officer A admitted that he consumed alcohol on occasion, but denied that he drank to excess. There was no additional testimony or evidence to prove or disprove this allegation.